

109 HNY  
PL2



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Sheila J. Baldwin  
File: B-223717  
Date: August 7, 1986

---

### DIGEST

1. Contention that evaluation factors similar to those in negotiated procurements should have been set forth in small purchase solicitation is untimely when not raised before the closing date for receipt of quotations.
2. Under small purchase procedures, a contracting officer has broad discretion to determine how to meet the government's needs and there is no requirement that an agency evaluate quotes based on relative technical merit, in addition to price, where the solicitation itself does not so require.

---

### DECISION

Ms. Sheila J. Baldwin protests the award of a contract under request for quotations (RFQ) No. DAJA61-86-Q-0052, issued by the Department of the Army, Brussels Regional Contracting Office, Belgium. The solicitation, issued under the small purchase procedures, was for nonpersonal services to provide financial planning services and financial management seminars to soldiers and their dependents in the Netherlands. Ms. Baldwin argues that the Army improperly awarded the contract based solely on the lowest quotation received from a quoter who only met the solicitation's minimum qualifications for a financial planner rather than evaluating quotations and awarding the contract based on "other factors" in addition to price, such as a quoter's greater experience, expertise, and education.

We dismiss the protest.

The RFQ, as amended on July 1, 1986, required that quoters have the following minimum qualifications: 1) B.S. or B.A. degree in business management, finance, social services or related field; 2) 2 years general business experience, or 2 years experience working with the public in a service agency; and 3) public speaking, lecturing, or teaching experience. The solicitation established July 10, 1986 as the closing date for receipt of quotations. On July 11, the contracting officer advised Ms. Baldwin that evaluation of quotes would be based on price alone from quoters who met the solicitation's minimum qualifications for a financial planner.

036297

Ms. Baldwin protests that the solicitation "and/or" the award was defective because factors other than price should have been considered by the Army in making an award. According to Ms. Baldwin, while excessive administrative procedures are not required under small purchase procedures, nevertheless the procedures employed should be "adequate to meet the Government's needs [and] must meet the requirements of the using agency." Further, Ms. Baldwin states that by not evaluating other factors, the Army failed to insure that it was purchasing the best quality service for the lowest price. She concludes that the solicitation should have contained evaluation criteria similar to those in negotiated procurements so that quoters could have submitted informed quotes and so that the Army could have obtained the "best quality service."

To the extent that the protester asserts that the solicitation itself was defective because it did not contain adequate technical evaluation criteria or other provisions for a relative technical assessment of quotes based on factors other than price, it is untimely. Our Bid Protest Regulations require that protests based upon alleged improprieties in a solicitation which are apparent prior to the closing date must be filed prior to the closing date. 4 C.F.R. § 21.2(a)(1) (1986); Umpqua Research Co., B-191331, June 2, 1978, 78-1 CPD ¶ 411. Here, Ms. Baldwin filed her protest concerning this alleged solicitation impropriety after the closing date and therefore this protest ground is untimely.

Concerning the protester's argument that the award selection should not be based upon price alone, the small purchase procedures give a contracting officer broad discretion to determine how to meet the government's needs. PSI-TRAN Corp., B-195014, Oct. 26, 1979, 79-2 CPD ¶ 296; William Big Spring, Jr., B-197321, May 6, 1980, 80-1 CPD ¶ 330. While a contracting officer's discretion is limited to the extent that an agency may not solicit quotations on one basis and then award a contract on another basis, Discount Machinery and Equipment, Inc., B-220949, Feb. 25, 1986, 86-1 CPD ¶ 193, there is no requirement that an agency evaluate quotes based on relative technical merit, in addition to price, where the solicitation itself does not so require. In any event, what Ms. Baldwin seeks would have the effect of limiting competition in a situation where the procuring activity believes its needs can be satisfied essentially on the basis of a price competition. We generally do not consider complaints that have such an effect since the law requires agencies to maximize competition. See Miltope Corp.--Reconsideration, B-188342, June 9, 1977, 77-1 CPD ¶ 417, aff'd on reconsideration (second), July 1, 1977, 77-2 CPD ¶ 3.

For the foregoing reasons, the protest is dismissed. See 4 C.F.R. § 21.3(f).

*John Brosnan*

*for* Ronald Berger  
Deputy Associate  
General Counsel